

**REMARKS**

A. It is respectfully requested that the Examiner indicate whether or not the drawings, as originally filed, are acceptable.

B. Claims 1, 2, 5-10, 13, 14 and 18-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Davis (US 6633981). The applicant respectfully traverses this rejection for the following reason(s).

The rejection is deemed moot in view of the foregoing amendment to the claims, wherein claim 1 was amended to include the features of original claim 3, claim 7 was amended to include the features of original claim 11, and claim 13 was amended to include the features of original claims 16 and 17.

C. Claims 3, 11 and 15 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Davis (US 6633981) in view of Norton (US 6616054). The Applicant respectfully traverses this rejection for the following reason(s).

The rejection is deemed moot in view of the foregoing amendment to the claims.

**Claim 1**

Claim 1 was amended to include the features of original claim 3, accordingly the §103(a) rejection is deemed to be applied to claim 1. Claim 1 was further amended to include the feature that *said removable storage unit to be utilized as an MP3 player when disconnected from said interface*

*part.*

Both Davis and Norton teach using a token/smartcard to prevent unauthorized use of an electrical device.

Davis does not teach utilizing the token (smart card) 145 for any purpose when the token is not connected to token reader 140, and does not utilize token 145 to store or playback MP3 files.

Norton was applied for teaching the use of a smart card that may also store MP3 files therein. In particular, Norton discloses "the contactless smart card 10 can receive MP3 files and provide the user with up to several hours worth of music. The smart card 10, 52, 60, 69 can be used to store the MP3 music files and manipulate the files as well."

Norton does not disclose what is meant by the phrase "manipulate the files as well." We note, however, that there are no external user controls on Norton's smartcard to suggest that manipulation of the files can be performed absent contact (wireless or physical) with smart card reader 42 or external power supply 32. In fact, Norton discloses:

Those skilled in the art will appreciate, however, that the contactless smart card reader 42 can supply only a limited amount of energy for energizing the contactless smart card 10. Because of this limitation in energy, the contactless smart card 10 is able to transfer only a limited amount of information to the contactless smart card reader 42. Therefore, in order to transfer substantially greater amounts of information between the contactless smart card 10 and the contactless smart card reader 42 while maintaining the physical size of the contactless smart card 10 to the standard credit card size, additional power is supplied to the smart card 10 from the external power supply 32. Such additional energy transferred allows the contactless smart card 10 to transfer much more information to the contactless smart card reader 42. In one embodiment the external power supply 32 according to the invention begins radiating electromagnetic energy for energizing the contactless smart card 10 only when it receives a signal from the contactless smart card reader 42. In one embodiment the external power supply 32 according to the invention begins to radiate electromagnetic energy for energizing the contactless smart card 10 only when it receives a signal from the contactless smart card 10.

Accordingly, it is quite apparent that in order to utilize the MP3 files stored in the smart card (10), the smart card must be connected to both the smart card reader 42 and external power supply 32. The term "connected" can mean either a wireless or a physical connection.

It is also quite apparent that the smart card cannot be utilized as an MP3 player when disconnected from both the smart card reader 42 and external power supply 32.

Therefore, since the token/smart card of the combined teachings of Davis and Norton fails to teach that the smart card can *be utilized as an MP3 player when disconnected from said interface part*, claim 1 is deemed to be allowable over the art of record.

Additionally, there is no teaching in Norton that the smart card comprises an *MP3 playback part* for reproducing MP3 files. Although Norton's indicates that smart card 10 "can receive MP3 files and provide the user with up to several hours worth of music," one of ordinary skill in the art can only assume<sup>1</sup> that processor 72 of vehicle 62 is used to reproduce the MP3 files for playback over radio 86 (Fig. 6B), because of the power restraints placed on smart card 10 and the knowledge that performing such a playback operation requires more power than that available to smart card 10.

Without further disclosure in Norton, we can assume no more than the file manipulation disclosed therein is no more than reading and writing the files to memory.

### **Claim 7**

Claim 7 was amended to include the features of original claim 11. Claim 7 has a step directed to *said MP3 playback part reproducing an MP3 file to enable said removable storage unit*

---

<sup>1</sup>

Deficiencies in the factual basis cannot be supplied by resorting to speculation or unsupported generalities. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967) and *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

*to be utilized as an MP3 player when disconnected from said interface part.* Accordingly, claim 7 is deemed to be allowable over the art of record for the same reason as claim 1.

**Claims 3 and 15**

Claims 3 and 15 require that the claimed *casing* of the the removable storage unit be *comprised of a plurality of play/control buttons thereon for controlling the MP3 playback part, a liquid crystal display (LCD) screen on which a list of the MP3 file is displayed, and a sound output port.* The foregoing is not taught by the applied art. Accordingly, claims 3 and 15 are allowable over the art of record.

D. Claims 4, 12, 16 and 17 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Davis (US 6633981) in view of Cromer et al. (US Pat. Pub. No. 2002/0083323) (*hereafter: Cromer*). The Applicant respectfully traverses this rejection for the following reason(s).

The rejection is deemed moot in view of the foregoing amendment to the claims, wherein claim 1 was amended to include the features of original claim 3, claim 7 was amended to include the features of original claim 11, and claim 13 was amended to include the features of original claims 16 and 17.

Note that fails to teach the features of claims 1 and 7 noted as lacking in the teachings of Davis and Norton.

**Claim 13**

Claim 13 was amended to include the features of original claims 16 and 17, accordingly the §103(a) rejection is deemed to be applied to claim 13.

Claim 13, like claims 1 and 7, was further amended to include, in Jepson format, the feature that the removable storage unit further comprises at least one of: *an MP3 playback part, said MP3 playback part reproducing an MP3 file to enable said removable storage unit to be utilized as an MP3 player even when disconnected from said interface part.* Cromer was not applied in this regard and it has been shown that the combined teachings of Davis and Norton fail to teach the foregoing feature.

Claim 13 was further amended to include, in Jepson format, the feature that the removable storage unit further comprises at least one of: *a digital camera including an image playback part for reproducing an image file.* Davis and Norton are silent in this regard. Cromer was applied for its teaching of a digital camera.

The Examiner errs in interpreting the claims in view of Cromer, because, contrary to the Examiner's indication, the removable storage device of the present invention is not being utilized in conjunction with a camera, but instead is the digital camera. The smart card (removable storage device) in Cromer is not a digital camera, but instead is used by a digital camera. That is, Cromer's digital camera has the image playback part, not the smart card (removable storage device).

Accordingly, the combined art fails to teach that the removable storage unit comprises at least one of:

*an MP3 playback part, said MP3 playback part reproducing an MP3 file to enable said removable storage unit to be utilized as an MP3 player even when disconnected from said interface part; and*

*a digital camera including an image playback part for reproducing an image file.*

Therefore, claim 13 is deemed to be allowable over the art of record.

The Examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Robert E. Bushnell  
Attorney for Applicant  
Reg. No.: 27,774

1522 K Street, N.W.  
Washington, D.C. 20005  
(202) 408-9040

Folio: P56575  
Date: 12/16/05  
I.D.: REB/MDP